

REMARKS

This Amendment is fully responsive to the non-final Office Action dated September 1, 2010, issued in connection with the above-identified application. Claims 56-72 are pending in the present application. With this Amendment, claims 56-72 have been amended. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

The Applicants have amended the specification and the abstract. Replacement portions of the specification and a new abstract have been provided. No new matter has been introduced by the amendments made to the specification and the abstract.

In the Office Action, claims 56-72 have been rejected under 35 U.S.C. 101 for being directed to non-statutory subject matter.

Specifically, claims 56-64, 67 and 68 have been rejected for not being tied to another statutory class (such as a particular apparatus) or not transforming underlying subject matter (such as an article or material) to a different state or thing. Additionally, claims 65, 66 and 69-71 have been rejected for being directed only to software.

Independent claims 56 and 59 are directed to methods. Independent claims 56 and 59 have been amended to recite in at least the first step of each claim “a processor configured to operate as a delivery time appearance probability calculation section”. Independent claims 56 and 59 (as amended) are now believed to be sufficiently tied to another statutory class, as requested by the Examiner.

Independent claims 65, 66, 69 and 71 are directed to devices. Independent claims 65, 66, 69 and 71 have been amended to include additional structure. Specifically, the claims have been amended to now recite “a storage unit, the storage unit including a non-transitory computer-readable recording medium storing a program; and at least one processor configured to operate as,” the different sections recited in the respective claims. Independent claims 65, 66, 69 and 71 (as amended) are now believed to include sufficient structure to clearly indicate that the claims are directed to a statutory device.

Independent claims 67 and 68 are directed to programs. Independent claims 67 and 68 have been amended to now recite “a non-transitory computer-readable recording medium storing a safety stock amount calculation program”. Amending program claims to recite “a non-

transitory computer-readable recording medium” will make such claims statutory in most cases (see e.g., MPEP 2106.01).

Based on the above amendments to the claims, withdrawal of the rejection under 35 U.S.C. 101 is respectfully requested.

In the Office Action, the Examiner indicates that claims 56-72 contain allowable subject matter and would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 101. As noted above, claims 56, 59, 65-69 and 71 have been amended to overcome the rejection under 35 U.S.C. 101. Accordingly, claims 56-72 should be clearly distinguished from the prior art of record without any additional comment being necessary.

No prior art rejections were noted in the Office Action.

In light of the above, the Applicants request that the Examiner withdraw the outstanding objection and rejection in the Office Action, and pass the present application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any issues remaining in this application.

Respectfully submitted,

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